

**Amendments to the Federal Rules of Bankruptcy Procedure  
and Official Bankruptcy Forms  
(Effective December 1, 2003)**

**SUMMARY**

- I. Privacy-Related Amendments**
- II. New Corporate Ownership Statement**
- III. New Declaration by Bankruptcy Petition Preparer**
- IV. Compliance with E-Government Act of 2002**

**I. Privacy-Related Amendments**

**Overview:** Among the amendments to the Federal Rules of Bankruptcy Procedure and the Official Forms are changes intended to protect the privacy of individuals (see the amendments to FRBP 1005, 1007 and 2002). One such change is that effective December 1, 2003, only the last four digits of the debtor's social security number will be displayed on publicly available documents, including the docket.

**Use of Amended Official Forms:** Commencing December 1, 2003, the amended version of the following Official Forms must be used:

- Official Form 1 – Voluntary Petition
- Official Form 3 – Application and Order to Pay Filing Fee in Installments
- Official Form 5 – Involuntary Petition
- Official Form 6 – Schedules
- Official Form 7 – Statement of Financial Affairs
- Official Form 8 – Individual Debtor's Statement of Intention
- Official Form 9 – Notice of Commencement of Case under the Bankruptcy Code,  
Meeting of Creditors, and Fixing of Dates
- Official Form 10 – Proof of Claim
- Official Form 16A – Caption (Full)
- [Official Form 16C – Caption of Complaint in Adversary Proceeding Filed by a Debtor –  
ABROGATED]
- Official Form 19 – Certification and Signature of Non-Attorney Bankruptcy Petition  
Preparer

When viewed on the electronic docket, the amended Official Forms will display to the public only the **last four digits** of a debtor's social security number. Some examples are:

- Voluntary and involuntary petitions will display only the last four digits of an individual debtor's social security number.
- A business debtor listing in its schedules the employees owed back pay should provide only the last four digits of the employees' social security numbers.
- An employee owed back pay should use only the last four digits of his or her social security number when completing Official Form 10 (Proof of Claim).

To ensure that the petition preparation software is using the amended version of the Official Form on or after December 1<sup>st</sup>, check the upper left-hand corner of the first page of the form, making sure that “(12/03)” appears in the fine print.

***Use of New Official Form 21:*** In addition to the amendments to existing Official Forms, filers are now required to complete new **Official Form 21 – Statement of Social Security Number** in all cases involving individual debtors. As of December 1, 2003, Official Form 21 will be the *only* form on which individual debtors will be required to provide their full nine-digit social security numbers. This form will **not** appear on the docket. Practice concerning submission of the form will vary depending on method of case filing, as noted below:

***Cases Filed Over the Internet:*** An attorney filing the case of an individual debtor on the Court’s ECF system will enter – in the applicable “Case Opening” field – the debtor’s full nine-digit social security number. Because the attorney has provided the Court with the debtor’s full social security number at the time of filing, the attorney need not submit the debtor’s Official Form 21 to the Court, *provided that* the attorney retains the original Official Form 21, bearing the debtor’s **original signature**, in a file, along with the copy of the petition bearing the debtor’s original signature that the attorney is also required to retain. [NOTE: ECF filers using petition preparation software may need to update their software, and should contact their software vendor for more information.]

***Cases Filed by Other Methods:*** An attorney filing the case of an individual debtor by disk, or an individual *pro se* debtor filing by paper, either at the intake counter *or* by mail or courier, will need to submit the completed Official Form 21 to the Court. In a voluntary case, Official Form 21 must be submitted to the Court ***with the petition***. In an involuntary case, the debtor must provide the Court with the completed Official Form 21 within 15 days after entry of the order for relief. **Failure to submit Official Form 21 in a timely manner may result in the dismissal of the case.** While *pro se* filers must submit the original copy of Official Form 21 to the Court, attorneys filing by disk may submit the form as a separate file included on the disk, *provided that* the attorney retains the original Official Form 21, bearing the debtor’s **original signature**, in a file, along with the copy of the petition bearing the debtor’s original signature that the attorney is also required to retain. The Clerk’s Office will accept and store forms submitted on disk by attorneys or on paper by *pro se* debtors; such forms will **not** be available for viewing by the public.

***Notice of Section 341(a) or Section 1104(b) Meeting:*** The copy of Official Form 9 (Notice of Commencement of Case under the Bankruptcy Code, Meeting of Creditors, and Fixing of Dates) which is mailed to creditors is to contain the full nine digits of the individual debtor’s social security number; however, the docketed copy of the notice will contain only the last four digits.

***Notice Requirement under Section 342(c):*** The section 342(c) requirement remains in effect. The debtor must include his or her social security number in a notice “required to be given by the debtor to a creditor” under applicable law or court order. For example, if an individual debtor commences an adversary proceeding against a creditor, the summons accompanying the complaint must include the debtor’s **full** nine-digit social security number; however, the copy of the summons appearing on the docket should contain only the last four digits.

***Social Security Number of Bankruptcy Petition Preparer:*** Pursuant to section 110(c)(2) of the Code, a non-attorney “bankruptcy petition preparer” – as that term is defined in section 110(a)(1)

– should continue to provide the preparer’s own social security number on a petition that he or she is completing on behalf of a debtor. [Note that it is the **preparer’s** full social security number that appears on the petition, and **not** that of the debtor; only the last four digits of the debtor’s social security number will be displayed.]

***Privacy-Related Amendments Do Not Apply to Employer Identification Numbers (EIN’s):***

The privacy-related amendments summarized here do **not** apply to employer identification numbers (EIN’s). A corporate debtor is **not** required to submit Official Form 21.

## **II. New Corporate Ownership Statement**

Other changes to the Federal Rules of Bankruptcy Procedure go into effect on December 1, 2003, in addition to the privacy-related amendments (see new FRBP 7007.1 and the amendments to FRBP 1007, 2003, 2009 and 2016). Among such changes is the requirement imposed on corporations to file a **corporate ownership statement** when the corporation is either a **debtor** (FRBP 1007, as amended) *or* a **party to an adversary proceeding** (new FRBP 7007.1). For corporate debtors, the corporate ownership statement is due ***at the time of the filing of the petition***. For corporate parties to an adversary proceeding, the corporate ownership statement should be filed ***with the first pleading***. The corporate ownership statement should identify any other corporation owning ten percent or more of the corporate filer’s stock.

## **III. New Declaration by Bankruptcy Petition Preparer**

Pursuant to new subdivision (c) of FRBP 2016, a bankruptcy petition preparer, as that term is defined in section 110(a)(1) of the Code, must submit to the United States Trustee, within 10 days after the filing of the petition, a **declaration under penalty of perjury** pertaining to fees. The declaration should disclose any fee, including its source, received from, or on behalf of, the debtor within one year of the case filing and all fees remaining unpaid; the declaration should also describe the services that were performed and the documents that were prepared. A supplemental statement is to be filed within 10 days after any payment or agreement not previously disclosed.

## **IV. Compliance with E-Government Act of 2002.**

***Availability of Pleadings on Internet:*** The Clerk’s Office makes the content of all documents filed relative to cases assigned to the Court’s Electronic Case Filing System (ECF) available via PACER, regardless of the method of filing of such documents. Any subscriber to PACER has the ability to view, download, store or print the full content of documents stored on the Court’s ECF System, unless such documents have been sealed or are otherwise restricted by Court Order.

***Treatment of Sensitive Information Under the E-Government Act of 2002:*** Filers should not include sensitive information in any document filed with the Court unless such inclusion is required by statute, Federal Rules of Bankruptcy Procedure or Official Forms or the inclusion is otherwise necessary and relevant to the case. *Any personal information not otherwise protected will be made available on the Court’s ECF System via PACER.*

***Personal Data Identifiers:*** If sensitive information must be included in a pleading, the following personal data identifiers must be partially redacted from the pleading, unless specifically required by statute, Federal Rule of Bankruptcy Procedure or Official Form, regardless of how the pleading is filed (Internet, disk or paper):

***Social Security Numbers:*** If an individual's social security number must be included in a pleading, only the last four digits should be used.

***Names of Minor Children:*** When referring to minor children, only the initials of that child should be used. Only the relationship and age of the debtor's dependents (*e.g.*, 'son, age 6') should be listed on **Schedule I, Official Form 6**.

***Date of Birth:*** Only the year should be used where an individual's date of birth must be included in a pleading. List the age (and *not* date of birth) of each of the debtor's dependents on **Schedule I, Official Form 6**.

***Financial Account Numbers:*** If financial account numbers are relevant, only the last four digits of these numbers should be used. To assist the trustee and creditors, debtors may choose to include their full account numbers on **Schedules D, E and F, Official Form 6**.

***Filing Sensitive Information Under Seal:*** A party wishing to file a document containing the personal data identifiers specified above may file an unredacted document under seal. The Court will retain the sealed document as part of the record. However, the Court may require the party to file a redacted copy for the public file.

***Additional Sensitive Information:*** Filers should exercise caution when filing documents containing the following:

- Any personal identifying number, such as driver's license number.
- Medical records, treatment and diagnosis.
- Employment history.
- Individual financial information.
- Proprietary or trade secret information.

***Responsibility of Counsel and Parties:*** Counsel is strongly urged to share this notice with all clients so that an informed decision about the inclusion of sensitive information may be made. **It is the sole responsibility of counsel and parties to be sure that all documents and pleadings comply with the Court's Local Rules and Administrative Orders requiring redaction of personal data identifiers, in addition to compliance with federal statute, rules of procedure and mandatory forms.** The Clerk will *not* review each pleading for redaction.